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SENSITIVE
SIPDIS

DEPT FOR EEB/TPP/ABT JACK BOBO
PASS TO USAID FOR JOSETTE LEWIS, LARRY BEACH, SAHARAH MOON
CHAPOTIN
ALSO USTR FOR PATRICK COLEMAN
DEPT OF COMMERCE FOR ITA MARIA RIVERO
NAIROBI FOR FCS AND FAS

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SUBJECT: GOE PASSES RESTRICTIVE BIOSAFETY LAW, BUT IS
INTERESTED IN BT COTTON

REF: ADDIS ABABA 1389

SUMMARY

¶1. (SBU) Ethiopia recently enacted highly restrictive biosafety legislation that could significantly impact the importation of bioengineered seeds, food commodities, and processed foods. Ethiopia's Environmental Protection Authority (EPA) is admittedly unprepared to implement the new legislation, owing to a lack of laboratory facilities, technical expertise, and manpower. Although the EPA's leadership is ideologically opposed to the use of bioengineered crops, the EPA will likely be pressured to approve trials of such crops where they could promote growth in key export sectors, namely cotton. End summary.

BIOSAFETY LAW RESTRICTIVE, FAR-REACHING

¶2. (U) The Ethiopian parliament recently passed highly restrictive biosafety legislation, establishing broader and more stringent controls than are called for under the Cartagena Protocol on Biosafety. The stated objective of the Biosafety Proclamation of 2009 is to protect biodiversity, as well as human and animal health, from "the adverse effects of modified organisms." The law grants the EPA the power to regulate the making or use of any "modified organism" in "teaching, research, production, import, export, transit, release, contained production, transport, placing on the market, or use as pharmaceutical, as food, as feed, or for processing." It makes no distinction between living organisms and products that are not capable of reproducing (e.g., processed foods), or between transgenic organisms and bioengineered organisms that do not contain genetic material from another species. The law also prohibits the use of the phrase "may contain modified organisms," requiring instead a declaration that a product either does or does not contain modified organisms.

¶3. (SBU) In a public statement, EPA Director General Dr. Tewolde Berhan Gebregziabhere described the Biosafety Proclamation as "based on the international biosafety law (i.e., the Cartagena Protocol), with local characteristics." Wondwossen Sintayehu, EPA Director of Environmental Law and Policy, told EconOff that Dr. Tewolde was the driving force behind the new law, and that the bill he initially proposed was even more restrictive than the resulting legislation. (Note: Dr. Tewolde previously represented African nations during negotiations on the Cartagena Protocol, where he

opposed the use of bioengineered crops in developing nations. End note.) Gebremedhin Birega, Director of the Eco Consumer Association, an environmental group that lobbied for the bill, separately told EconOff that the Ethiopian government's (GoE) Environmental Council (which drafted the bill and is comprised mainly of GoE officials) is largely opposed to the importation of bioengineered organisms, but was wary of appearing "anti-science" when drafting the new law.

EPA HAS LIMITED IMPLEMENTATION CAPACITY

¶4. (SBU) The legislation, which has already entered into force, requires the EPA to approve or deny all applications for the use of modified organisms in Ethiopia, and further requires the EPA to establish a National Biosafety Clearing-House to study bioengineering and assist the EPA in making its decisions. According to the EPA's Wondwossen, while the EPA "must now process applications, legally speaking," it is not capable of doing so. Only two EPA employees currently specialize in biosafety, and Wondwossen stated that there are currently no facilities in Ethiopia that meet the standards for studying or conducting trials of modified organisms that are set forth in the draft implementing regulations. Wondwossen described implementation of these regulations as "very problematic," and explained that in order to be approved, an applicant would be required "to prove to us (the EPA) that there is no risk" to biodiversity or to human or animal health from the bioengineered product. He further noted that while the law does not distinguish between food products and non-edible

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goods, the EPA would scrutinize food products more closely.

¶5. (SBU) Gebremedhin, of the Eco Consumer Association, voiced similar concerns over implementation to EconOff. He predicted that the GoE would begin restricting the importation of bioengineered foods, in particular, but posited that without laboratories, biosafety expertise, and sufficient manpower, the EPA would not likely be able to review applications thoroughly. He further suggested that where sufficient political will exists to import bioengineered crops (such as those which could boost Ethiopia's export sectors), applications would be approved without proper study. Negusu Aklilu, Director of Forum for the Environment (FfE), a civil society organization that sits on the GoE's Environmental Council, told EconOff that finished products were not a concern to the GoE, but predicted the EPA would scrutinize living modified organisms (LMOs) more closely.

STRONG INTEREST IN BT COTTON

¶6. (SBU) Both Gebremedhin and Negusu told EconOff that the GoE was strongly interested in importing transgenic *Bacillus thuringiensis* (BT) cotton seeds in an effort to boost Ethiopia's nascent textile sector (reftel). They cited this interest as a major factor in the passage of the Biosafety Proclamation, and predicted that given the political will to boost textile production, any application to import BT cotton would be approved. According to Negusu, the Tendaho cotton plantation in Afar will be the site of early trials. Earlier this year, Dr. Tewolde publicly stated that Ethiopia would start trials of BT cotton within the year, and Dr. Adane Abraham, Coordinator of Biotechnology Research at the Ethiopian Institute of Agricultural Research (EIAR), told EconOff that EIAR was keenly interested in promoting trials of BT cotton, and had been in contact with U.S. agribusiness firm Monsanto in that regard.

IMPACT ON IMPORTED FOOD AID

¶7. (SBU) The majority of U.S. food aid to Ethiopia is wheat and sorghum, which are not "modified organisms." Based on a common understanding with the GoE, the U.S. and World Food Program (WFP) provide only milled (non-viable) maize and soy to Ethiopia, rather than (viable) maize and soy grains. It has been understood that any request for duty free entry of whole maize grain or soybeans as food aid would be rejected, so the U.S. and WFP have conformed to this understanding and not attempted to import whole grains. (Note: This practice is endorsed by Dr. Tewolde, and the EPA's Wondwossen reported that he unsuccessfully attempted to include a requirement that any bioengineered relief food be milled or roasted prior to entry into Ethiopia in the biosafety law. End note.) Nevertheless, because the law does not distinguish between living organisms and processed foods, the new requirement to obtain informed consent and provide a risk assessment may pose new obstacles to the provision of food aid containing bioengineered material, even in trace amounts. USAID/Ethiopia is developing a plan to provide capacity building to the EPA, and believes a positive intervention can be achieved through USAID's Program for Biosafety Systems (PBS), which has successfully supported the implementation of biosafety frameworks in other African countries (most notably the drafting and approval of Kenya's biosafety law) and has gained much respect in the region.

COMMENT

¶8. (SBU) This new biosafety law is far-reaching and highly restrictive, and has clearly been influenced by GoE officials opposed to biotechnology. It appears that sufficient political will exists to begin trials of transgenic crops in sectors where they could promote exports - a key GoE goal. However, given the ideological bent of the current EPA leadership, it is likely that the GoE will restrict imports of bioengineered food and other crops that are not as closely tied to the GoE's development agenda. End comment.

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